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of the State of California
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Attorneys for Complainant

**BEFORE THE
CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KIMBERLY ANN VEERKAMP
116 North Pleasant Street
Lodi, California 95240

Certified Public Accountant
Certificate No. CPA 36498
Respondent.

NO. AL-2002-10

**DEFAULT DECISION AND
ORDER
DECLARATION OF DEPUTY
(ATTORNEY ROBERT
BROWNING MILLER
GENERAL IN SUPPORT
THEREOF ATTACHED)**

Respondent KIMBERLY ANN VEERKAMP ("Respondent") having been served with the Accusation, Statement to Respondent, and Notice of Defense form as provided by Government Code sections 11503 and 11505, and having failed to file a Notice of Defense within the time allowed by section 11506 of said Code, and the default of said Respondent having been duly noted, the California Board of Accountancy has determined that Respondent has waived her right to a hearing to contest the merits of said Accusation; that Respondent is in default; and that this Board will take action on the Accusation and evidence herein without a hearing, and makes the following findings of fact:

FINDINGS OF FACT

1. The Accusation was made and filed on June 28, 2002, by the Complainant Carol B. Sigmann, the Executive Officer of the California Board of Accountancy ("Board")

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solely in her official capacity, against Respondent KIMBERLY ANN VEERKAMP, Certified Public Accountant Certificate No. CPA 36498.

2. On or about December 3, 1982, the Board issued Certified Public Accountant certificate number CPA 36498 to KIMBERLY ANN VEERKAMP (hereinafter "Respondent"). The certificate is subject to renewal every two years pursuant to Business and Professions Code, section 5070.6. The applicable renewal period for this certificate is February 1 through January 31 of even numbered years. The certificate was regularly renewed in an "active" status until January 31, 1998. The certificate expired and was not valid during the period February 1, 1998, through March 1, 1998, for the following:

- (a) The renewal fee, required by the Business and Professions Code section 5070.5, was not paid, and;
- (b) declaration of compliance with continuing education regulations was not submitted.

3. Said certificate was renewed under the provisions of the California Code of Regulations, Title 16, section 87.1 ("reentry") effective March 2, 1998, upon receipt of the renewal fee and declaration of compliance with continuing education requirements ("active").

4. The certificate expired on January 31, 2002 and has not been renewed.

STATUTORY PROVISIONS

5. Business and Professions Code section 5100, provides a licensee may be disciplined for the following:

- (c) Dishonesty, fraud, or gross negligence in the practice of public accountancy or in the performance of the bookkeeping operations described in Section 5052;

6. Business and Professions Code section 5037(b) provides that a licensee shall furnish to his or her client or former client, upon request and reasonable notice:

- (1) A copy of the licensee's working papers, to the extent that those working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client.
- (2) Any accounting or other records belonging to, or obtained from or on behalf of, the client which the licensee removed from the client's premises or received for the client's account. The licensee may make and retain copies of documents of the client when they form the basis for work done by him or her.

1 Government Code sections, and Request for Discovery. Said documents were sent to the
2 following address: Kimberly Ann Veerkamp, 116 North Pleasant Street, Lodi, California 95240.
3 The first class mail was not returned and there was no response or Notice of Defense filed by
4 Respondent. Furthermore, the United States Postal Service notified Respondent of the certified
5 envelope on two occasions; however, the certified envelope remained unclaimed and was
6 returned to the sender.

7 10. Additionally, on August 7, 2002, Complainant, through the Office of the
8 Attorney General, sent Respondent via first class and certified mail (7000 1670 0009 3451 0742)
9 the following documents: Statement to Respondent, Accusation, Notice of Defense (two), Copy
10 of Government Code sections, and Request for Discovery. Said documents were sent to the
11 current California Department of Motor Vehicles address, which address is: Kimberly Ann
12 Veerkamp, 115 W Tokay St, Lodi, California 95240. The first class mail was not returned and
13 there was no response or Notice of Defense filed by Respondent. The United States Postal
14 Service notified Respondent at this address of the certified envelope on two occasions; however,
15 the certified envelope remained unclaimed and was returned to the sender.

16 **DETERMINATION OF ISSUES**

17 Based on the foregoing Findings of Fact, Respondent has subjected her license to
18 discipline under Business and Professions Code section 5100(c) [gross negligence], and
19 Business and Professions Code section 5037(b) [failure to return client's records upon request
20 and reasonable notice]. Further, Respondent's license is subject to discipline for violation of
21 Title 16 of the California Code of Regulations, Title 16, section 68 [retention of records] by
22 reason of the afore-described Findings of Facts.

23 Based on the foregoing Findings of Fact set forth in the preceding paragraphs,
24 Respondent's license is subject to discipline.

25 **SUFFICIENCY OF PLEADING AND SERVICE OF PLEADING**

26 The Declaration of Deputy Attorney General Robert Browning Miller, attached
27 hereto and incorporated by reference, states that the evidence is sufficient to support the filing of

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1 a pleading in this case and that service of the pleading on Respondent was accomplished in
2 accordance with the California Administrative Procedure Act.

3 **LOCATION OF RECORD**


4 The record on which this Default Decision and Order is based, is located at the
5 Sacramento office of the California Board of Accountancy, Department of Consumer Affairs,
6 State of California.

7 **ORDER**

8 WHEREFORE, for the aforesaid causes, the California Board of Accountancy, of
9 the State of California makes its order revoking Certified Public Accountant Certificate No.
10 CPA 36498 issued to KIMBERLY ANN VEERKAMP.

11 This Decision shall become effective on October 25, 2002.

12 Dated and signed on September 25, 2002.

13 
14 **Navid Sharafatian, Board President**
15 **California Board of Accountancy**
16 **Department of Consumer Affairs**
17 **State of California**

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20 AG Docket No. 0354110SA2002AD0153
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1 BILL LOCKYER, Attorney General
of the State of California
2 ROBERT BROWNING MILLER, State Bar No. 57819
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3 1300 "I" Street, Suite 125
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4 Sacramento, California 94244-2550
Telephone: (916) 322-0253
5 Facsimile: (916) 327-8643

6 **Attorneys for Complainant**

7
8 **BEFORE THE**
CALIFORNIA BOARD OF ACCOUNTANCY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11
12 **In the Matter of the Accusation Against:**

13 **KIMBERLY ANN VEERKAMP**
116 North Pleasant Street
14 Lodi, California 95240

15 Certified Public Accountant
Certificate No. CPA 36498

16 Respondent.

NO. AC-2002-10

DECLARATION OF DEPUTY
ATTORNEY GENERAL
ROBERT BROWNING MILLER
IN SUPPORT OF DEFAULT
DECISION AND ORDER

17
18 I, ROBERT BROWNING MILLER, declare:

19 1. I am a Deputy Attorney General employed by the State of California,
20 Department of Justice. My business address is 1300 "I" Street, Sacramento, California 95814.

21 I am one of the attorneys of record for Complainant in this proceeding.

22 2. I have reviewed the evidence in this case and find it legally sufficient to
23 support the pleading filed in this matter.

24 3. Respondent KIMBERLY ANN VEERKAMP, ("Respondent") has been
25 a licensee of the California Board of Accountancy ("Board"). Respondent's address of record
26 on file with the Board is: 116 North Pleasant Street, Lodi, California 95240.

27 4. On June 28, 2002, the Complainant Carol B. Sigmann, the Executive
28 Officer of the California Board of Accountancy and solely in her official capacity, filed an

1 Accusation against Respondent KIMBERLY ANN VEERKAMP, Certified Public Accountant
2 Certificate No. CPA 36498. At my direction, on August 7, 2002, the Accusation, together
3 with the supporting papers and information, was sent via first class to Respondent's address of
4 record on file with the Board: Kimberly Ann Veerkamp, 116 North Pleasant Street, Lodi,
5 California 95240. The first class mail was not returned and there was no response or Notice of
6 Defense filed by Respondent.

7 5. On August 7, 2002, my office sent Respondent a certified mail (No.
8 7000 1670 0009 3451 0728) envelope containing the following documents: Statement to
9 Respondent, Accusation, Notice of Defense (two), Copy of Government Code sections, and
10 Request for Discovery. Said documents were sent to the following address: Kimberly Ann
11 Veerkamp, 116 North Pleasant Street, Lodi, California 95240.

12 The envelope sent by certified mail was returned to my office with a stamp
13 marked "UNCLAIMED" on the front of the envelope. An additional stamp on the front of the
14 envelope noted a "1st NOTICE" dated August 8, 2002, and a "2nd NOTICE" dated August 13,
15 2002. The envelope was returned on August 23, 2002.

16 6. Additionally at my direction, on August 7, 2002, the Accusation,
17 together with the supporting papers and information, was sent via first class to Respondent's
18 address as set forth on her current California Department of Motor Vehicles Drivers License
19 (Class F, Expires 01/07/2006), which address is 115 W Tokay St, Lodi, California 95240. The
20 first class mail was not returned and there was no response or Notice of Defense filed by
21 Respondent.

22 7. Also, on August 7, 2002, my office sent Respondent a second certified
23 mail (No. 7000 1670 0009 3451 0742) envelope containing the following documents:
24 Statement to Respondent, Accusation, Notice of Defense (two), Copy of Government Code
25 sections, and Request for Discovery. Said documents were sent to the following address:
26 Kimberly Ann Veerkamp, 115 W. Tokay Street , Lodi, California 95240.

27 The second envelope sent by certified mail was returned to my office with a
28 stamp marked "UNCLAIMED" on the front of the envelope. An additional stamp on the front

1 of the envelope noted a "1st NOTICE" dated August 8, 2002, and a "2nd NOTICE" dated
2 August 13, 2002. The envelope was returned on August 23, 2002.

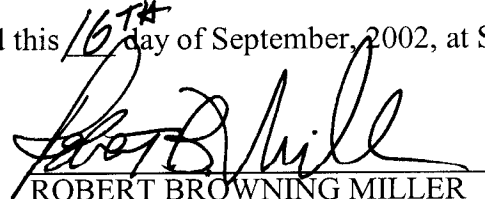
3 8. Other than the returned envelopes sent by certified mail, there has been
4 no response to these mailings received by this office, nor has a Notice of Defense been filed by
5 Respondent.

6 Per Government Code section 11506, a respondent has fifteen (15) days after
7 receiving a copy of the Accusation to respond; if respondent fails to do so, respondent waives
8 the right to a hearing.

9 Furthermore, pursuant to Government Code section 11505, subdivision (c),
10 service is effective when the Accusation is mailed to the licensee at the last address filed with
11 the Board, whether or not the licensee has actual knowledge of the Accusation. As set forth in
12 paragraphs 4 and 5 above, the Accusation was mailed to Respondent's last address filed with
13 the Board. In this case, Respondent failed to properly respond to the Accusation within fifteen
14 days of mailing, or at any other time.

15 The statement contained herein are based upon my personal knowledge and, if
16 called as a witness in this matter, I could and would testify competently thereto.

17 I declare under penalty of perjury under the laws of the State of California, that
18 the foregoing is true and correct. Executed this 16th day of September, 2002, at Sacramento,
19 California.

20 
21 ROBERT BROWNING MILLER
22 Deputy Attorney General

23 **Attorneys for Complainant**
24 **California Board of Accountancy**
25 **Department of Consumer Affairs**
26 **State of California**

27 AG Docket No. 0354110SA2002AD0153

28 I:\ALL\Millerrb\Licensing\Accountancy\Veerkamp\Pleadings\Declaration re Default

~~ORIGINAL~~

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of the State of California
ROBERT B. MILLER, State Bar No. 57819
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Facsimile: (916) 327-8643

Attorneys for Complainant

BEFORE THE
CALIFORNIA BOARD OF ACCOUNTANCY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation

Case No. AC-2002-10

KIMBERLY ANN VEERKAMP
116 North Pleasant Street
Lodi, California 95240

ACCUSATION

Certified Public Accountant
Certificate No. 36498

Respondent.

CAROL B. SIGMANN alleges:

1. Complainant, Carol B. Sigmann, is the Executive Officer of the California Board of Accountancy (hereinafter the "Board") and makes this Accusation solely in her official capacity.

I.

LICENSE HISTORY

2. On or about December 3, 1982, the Board issued Certified Public Accountant certificate number CPA 36498 to Kimberly Ann Veerkamp (hereinafter "Respondent"). The certificate is subject to renewal every two years pursuant to Business and Professions Code, section 5070.6. The applicable renewal period for this certificate is February 1 through January 31 of even numbered years. The certificate was regularly renewed in an "active"

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1 status until January 31, 1998. The certificate expired and was not valid during the period
2 February 1, 1998, through March 1, 1998, for the following:

- 3 (a) The renewal fee, required by the Business and
4 Professions Code section 5070.5, was not paid, and;
5 (b) declaration of compliance with continuing
6 education regulations was not submitted.

7 3. Said certificate was renewed under the provisions of the California Code
8 of Regulations, Title 16, section 87.1 ("reentry") effective March 2, 1998, upon receipt of the
9 renewal fee and declaration of compliance with continuing education requirements ("active").

- 10 4. The certificate expired on January 31, 2002 and has not been renewed.

11 II.

12 STATUTES AND REGULATIONS

13 5. Business and Professions Code section 5100, provides a licensee may be
14 disciplined for the following:

- 15 (c) Dishonesty, fraud, or gross negligence in the practice of public
16 accountancy or in the performance of the bookkeeping operations
17 described in Section 5052;

18 6. Business and Professions Code section 5037(b) provides that a licensee
19 shall furnish to his or her client or former client, upon request and reasonable notice:

- 20 (1) A copy of the licensee's working papers, to the extent that those working
21 papers include records that would ordinarily constitute part of the client's
22 records and are not otherwise available to the client.
- 23 (2) Any accounting or other records belonging to, or obtained from or on
24 behalf of, the client which the licensee removed from the client's premises
25 or received for the client's account. The licensee may make and retain
26 copies of documents of the client when they form the basis for work done
27 by him or her.

28 7. California Code of Regulations, Title 16, Section 68 (Retention of
Records) provides as follows:

A licensee, after demand by or on behalf of a client, for books, records or other
data, whether in written or machine sensible form, that are the client's records
shall not retain such records. Unpaid fees do not constitute justification for
retention of client records.

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1 Although, in general the accountant's working papers are the property of the
2 licensee, if such working papers include records which would ordinarily
3 constitute part of the client's books and records and are not otherwise available to
4 the client, then the information on those working papers must be treated the same
5 as if it were part of the client's books and records.

6 8. Business and Professions Code section 5107 provides for recovery by the
7 Board of all reasonable costs of investigation and prosecution of the case, including, but not
8 limited to, attorneys' fees in specified disciplinary actions, including violations of Business and
9 Professions Code section 5100 (c). A certified copy of the actual costs, or a good faith estimate
10 of costs signed by the Executive Officer, constitute prima facie evidence of reasonable costs of
11 investigation and prosecution of the case.

12 III.

13 GENERAL BACKGROUND

14 9. Respondent was engaged by Mr. Michael Merriweather (hereinafter
15 "Client") to prepare his 1999 and 2000 income tax returns for both federal and state revenue
16 collecting authorities. Respondent had previously performed such engagements for Client.

17 10. Respondent failed to perform the terms of the engagements. Even though
18 Respondent gave repeated assurances that she would prepare Client's 1999 federal and state
19 income tax returns, Respondent failed to do so. Further, Respondent failed to prepare Client's
20 2000 state and federal income tax returns. Client was assessed penalties as a result of
21 Respondent's failures.

22 11. In order for the Respondent to perform the terms of the engagements,
23 Client provided pertinent financial documentation to Respondent. The financial documentation
24 entrusted to Respondent was, and at all times remained, the property of Client.

25 12. Client made multiple demands, both written and oral, upon Respondent for
26 her to return the pertinent financial documentation belonging to him, or to complete the terms of
27 the engagements. Respondent failed to return Client's documentation and did not complete the
28 terms of the engagements.

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1 IV.

2 VIOLATIONS

3 **Business and Professions Code section 5100(c)**
4 [Dishonesty, Fraud or Gross Negligence in the Practice of Public Accountancy]

5 13. By reference paragraphs 9 through 12 are incorporated herein. Respondent
6 committed gross negligence by her failure to prepare income tax returns for which she was
7 engaged, and, in doing so, violated Business and Professions Code section 5100(c), by failing to
8 prepare said tax returns of Client for years 1999 and 2000.

9 **Business and Professions Code section 5037(b)**
10 [Ownership of Accountants Work Papers]

11 14. By reference paragraphs 11 through 12 are incorporated herein.
12 Respondent violated Business and Professions Code section 5037(b), by failing to return to
13 Client documents provided to her for preparation of his income tax returns.

14 **California Code of Regulations, Title 16, Section 68**
15 [Retention of Clients Records]

16 15. By reference paragraphs 11 through 12 are incorporated herein.
17 Respondent violated California Code of Regulations, Title 16, Section 68, by failing to return to
18 Client documents provided to her for preparation of his income tax returns.

19 V.

20 PRAYER

21 WHEREFORE, the Complainant requests that a hearing be held on the matters
22 herein alleged, and that following said hearing, the California Board of Accountancy issue a
23 decision:

24 1. Revoking, suspending or otherwise imposing discipline upon Certified
25 Public Accountant number CPA 36498 issued to KIMBERLY ANN VEERKAMP;

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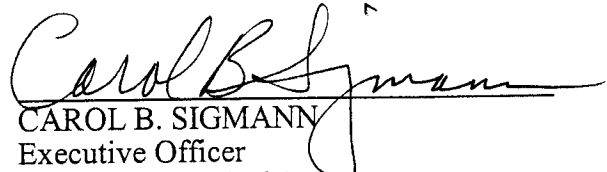
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1 2. Ordering Kimberly A. Veerkamp to pay the California Board of
2 Accountancy the reasonable costs of the investigation and enforcement of this case pursuant to
3 Business and Professions Code Section 5107;

4 3. Taking such other and further action as the Board deemed necessary and
5 proper.

6 Dated: June 28, 2002

7 
8 CAROL B. SIGMANN
9 Executive Officer
10 California Board of Accountancy
11 Department of Consumer Affairs
12 State of California
13 Complainant

12 AG Docket No. 03541110SA2002AD0153
13 Accusation.wpt 6/4/02; final 6/21/02
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